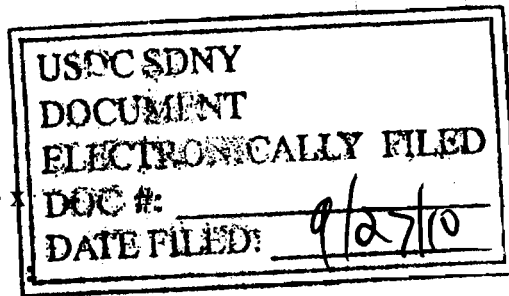


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA

-v-

: S3 08 CR 1109 (JSR)

JOHN B. OHLE III, and
WILLIAM E. BRADLEY,

Defendants.

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X

**PRELIMINARY ORDER OF FORFEITURE
AND RESTRAINT OF SUBSTITUTE ASSETS**

WHEREAS, on April 1, 2010, John B. Ohle III, the defendant, was charged along with co-defendant William E. Bradley in a three-count Superseding Indictment, S3 08 Cr. 1109 (JSR) (the "Indictment"), with conspiracy to commit wire and mail fraud and to defraud the Internal Revenue Service, in violation of Title 18, United States Code, Section 371 (Count One), and tax evasion, in violation of Title 18, United States Code, Section 7201 (Counts Two and Three);

WHEREAS, the Indictment included a forfeiture allegation providing notice that the Government is seeking, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, forfeiture of all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the fraud offenses alleged in Count One, including but not limited to the following:


a. At least \$5,000,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the conspiracy to commit the mail and wire fraud offenses contained in Count One, for which the defendants are jointly and severally liable;

b. All of defendant Ohle's right, title and interest in certain specific properties

listed in the Indictment;

WHEREAS, on June 2, 2010, defendant Ohle was found guilty of all counts of the Indictment and defendant Bradley was found guilty of Count One of the Indictment;

WHEREAS, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and 2461, Title 21, United States Code, Section 853(g), and Federal Rule of Criminal Procedure 32.2(c), the Government sought, pending any assertion of third-party claims, to reduce certain properties (identified as "the Specific Properties" listed on Schedule A, annexed to its forfeiture submission) to its possession and to notify any and all potential purchasers and transferees thereof of its interest therein;

WHEREAS, pursuant to Title 18, United States Code, Sections 981(a)(1)(C), and 2461, Title 21, United States Code, Section 853(p), and Federal Rule of Criminal Procedure 32.2(e)(1), in addition to seeking forfeiture of specific property that was derived from or used to facilitate a crime,  the Government ~~may~~ sought a money judgment against the defendant to recover the amount of the defendant's crime proceeds, such money judgment being equal to the gross proceeds of the defendant's crime, without deducting expenses;

WHEREAS, on September 17, 2010, the Court held argument on the Government's forfeiture application, which application included a claim by the Government to proceeds or a money judgment totaling \$2,954,334, of which \$1,256,500 was attributable to the "referral fee" fraud against Bank One;

WHEREAS, at the September 17, 2010 hearing, the Government identified and established, by a preponderance of the evidence, "proceeds" totaling \$385,722.13 traceable to the \$1,256,500 obtained by Ohle from the referral fee fraud;

WHEREAS, on September 17, 2010, at the conclusion of the forfeiture hearing, the Court entered a temporary freeze, or restraining order, with respect to certain assets transferred by the JSJD Trust and/or John Ohle to Mint State, it appearing that there would be a money judgment in the amount of, at least, the difference between the total proceeds of the referral fee fraud and the Government's tracing of assets or other proceeds traceable to that fraud; and

WHEREAS, on September 20, 2010, the Government submitted a Declaration from IRS Special Agent Shawn Chandler, attesting to the fact that provides that property traceable to the referral fee fraud cannot be located upon the exercise of due diligence, has been transferred, sold to or deposited with a third party, has been placed beyond the jurisdiction of the Court, or has been commingled with other property that cannot be divided without difficulty, as a result of defendant Ohle's actions or omissions;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, for which defendant Ohle was found guilty, a preliminary forfeiture money judgment in the amount of \$1,256,500 in United States currency shall be entered against defendant Ohle, based on Ohle's commission of the referral fee fraud, \$255,000 of which defendant Ohle shall be jointly and severally liable with co-defendant William Bradley;

2. Defendant Ohle shall also forfeit any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the above-mentioned referral fee fraud, and all property traceable to such property, including any of the Specific Properties identified by the Government on its Schedule A, submitted in connection with its forfeiture application;

3. Pursuant to Section 853(g) of Title 21, United States Code, and the All Writs Act, 28 U.S.C. § 1651(a), any and all property or proceeds of the sale(s) of property held by Mint State on behalf of the JSJD Trust and/or John Ohle and/or any other entity affiliated with or owned by John Ohle is restrained and shall not be transferred, sold, or disposed of pending further order of this Court;

4. The Court shall retain jurisdiction to enforce this Order, and to amend and supplement it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e), including resolution of the Government's claim to additional proceeds and a greater money judgment, as detailed in its initial forfeiture application and at the forfeiture hearing.

Dated: New York, New York
September 20, 2010

(27)

SO ORDERED:



HONORABLE JEDS. RAKOFF
UNITED STATES DISTRICT JUDGE